

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL S. MILLER
Plaintiff,

v.

PA DEPARTMENT OF CORRECTIONS, *et al.*
Defendants.

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CIVIL ACTION NO. 12-3040

ORDER

AND NOW, this 26th day of March 2013, upon consideration of Defendants' Motions to Dismiss [Doc. Nos. 12 and 20], to which no response has been filed, and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that the Motions are **GRANTED**. Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** as to the Eighth Amendment and Fourteenth Amendment Claims, and is **DISMISSED WITHOUT PREJUDICE** as to the First Amendment Claims as explained in the memorandum opinion.

It is further **ORDERED** that the Clerk shall **CLOSE** the case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.